

The Honorable Mary Jo Heston
Hearing date: November 1, 2018
Hearing time: 9:00 a.m
Response date: October 25, 2018
Chapter 7
Location: Tacoma

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re

JOSHUA MAYS,

Debtor.

No. 18-43118

RESPONSE AND OBJECTION TO
MOTION FOR RELIEF FROM STAY

COMES NOW the Chapter 7 Trustee, Kathryn A. Ellis, and in response to the Motion for Relief from Stay by Prestige Financial Services Inc., states as follows:

1. The debtor filed the present Chapter 7 Bankruptcy Petition on September 14, 2018. Prior to that time, and specifically on July 22, 2018, the debtor purchased a 2014 Hyundai Azera from Volkswagen of Olympia. The purchase of the vehicle was financed by Prestige Financial Services Inc., the moving party, who perfected its lien on September 8, 2018, more than thirty days after the debtor's purchase and possession of the vehicle. Accordingly, the moving party's lien is avoidable pursuant to 11 U.S.C. § 547 and it does not meet the terms of the enabling loan exception of 11 U.S.C. § 547 (c)(3)(B).

2. For the above reasons, and as this lien is avoidable, the Court is requested to deny the Motion for Relief from Stay.

DATED this 25th day of October, 2018.

By: /s/ Kathryn A. Ellis
Kathryn A. Ellis, Trustee

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